

M0350002

**From:** Susan White  
**To:** McGowan Jackson, Rohan (KUCC); Wright, Mary Ann  
**Date:** 9/14/2007 3:18:44 PM  
**Subject:** Extension of Abatement Time

Rohan,

Please find attached a scanned copy of the letter and modification form approving the requested extension for Violation N2007-58-01. The hard copy will be sent by certified mail on Monday. Please let me know if you have any questions.

Susan

Susan M. White  
Mining Program Coordinator  
Division of Oil, Gas and Mining  
1594 West North Temple  
Salt Lake City, UT 84114  
(801)538-5258  
(801)359-3940 fax

**CC:** Beth Ericksen; Daron Haddock; kaiserc@kennecott.com; Mary Ann Wright; Peacey, Victoria (KUCC); Penny Berry

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JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

## State of Utah

### DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

#### Division of Oil Gas and Mining

JOHN R. BAZA  
Division Director

September 14, 2007

Kennecott Utah Copper Corporation  
Attn: Rowan Jackson-McGowan  
P.O. Box 6001  
Magna, Utah 84044-6001

Subject: Response to Extension Request N2007-58-01, Kennecott Utah Copper Corporation,  
Bingham Canyon, M/035/002, Salt Lake County, Utah

Dear Mr. McGowan:

This letter is responding to your request to extend the abatement time until October 31, 2007. The extension request is granted as shown in the attached modification form.

As stated in your letter Kennecott will take following actions to address each affirmative action in order to abate the violation.

**Item 1:** Additional measures to minimize future damage to natural channels will be addressed in the settlement proposal.

**Item 2:** Detailed erosion control designs for all erosion control structures to show sediment is being controlled, contained and treated in the Butterfield Canyon area are provided with the September 11, 2007 letter and optimization of these designs will be addressed in the settlement proposal.

**Item 3:** Demonstration of how deleterious materials (sediment) will be kept in an isolated condition and submission of an implementable sediment-sampling plan will be part of ongoing settlement discussions.

**Item 3a:** Sediment/debris that flowed outside of the permit area is currently being cleaned up, and identified to the following areas: a) culvert under the county road and Kennecott will continue to work with Mr. Dansie regarding the thin sediment layer in his field.

**Item 3b:** Removed sediment is being taken to Copper Notch and will be pushed onto the out slope of Keystone dump. Kennecott is willing to sample sediment as potential plant growth medium.

**Item 4:** Kennecott provided the Division with a copy of the 2004 Risk Assessment Memo as a response to a stability analysis of the Butterfield Canyon dumps and further discussion will result pertaining to the study and plans for slope stabilization.




Kennecott Utah Copper Corporation  
M/035/002  
September 13, 2007

The Division will review the submitted erosion control designs (Item 2) and the Call and Nicholas, Inc. Risk Assessment Memo (Item 4) and provide comments back to you by October 5, 2007. Please remember that part of the abatement is to submit the erosion control designs, sediment sampling plan, and slope stability analysis in a format that is suitable for incorporation into the appropriate section of the 2003 Reclamation and Water Management Plan.

We look forward to continuing the discussions concerning efforts to resolve this violation. If you should have any questions or comments please call.

Sincerely,

  
*Susan M. White*  
For  
Mary Ann Wright  
Associate Director Mining

SMW:BE:pb

cc: Beth Ericksen  
Tom Munson  
Daron Haddock  
Susan White  
Douglas Bacon

Enc: Modification of Notice of Violation/Cessation Order original

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Page 1 of 1

### MODIFICATION of Notice of Violation / Cessation Order

To the following Permittee or Operator:

Name: Kennecott Utah Copper

Mailing Address: Attn: Mr. Rohan McGowan-Jackson, GM, HSEQ,

PO BOX 6001, MAGNA, UTAH 84044

Mine Name: Bingham Canyon Mine Permit Number: M/035/002

Utah Mined Land Reclamation Act, Section 40-8-1 et. seq., *Utah Code Annotated (1953)*:

Notice of Violation No N2007-58-01 dated August 8, 20 07

Part 1, 2, 3, 3a, 3b, and 4 of 4 are modified as follows: Kennecott Utah Copper has submitted a written request received by the Division on Sept. 11, 2007 for an extension of the abatement time period to October 31, 2007. This extension has been approved.

Reason for modification is: Kennecott Utah Copper requires additional time to prepare a response which they refer to as, "A Proposal for Resolution" which will incorporate information pertaining to 1, 2, 3, 3a, 3b, and 4 of the violation.

Date of service/mailling: \_\_\_\_\_

Time of service/mailling \_\_\_\_\_ ☒ a.m. ☐ p.m.

Date of inspection: \_\_\_\_\_

Permittee or Operator Representative

Title

Signature

BETH EPICKSEN  
Division of Oil, Gas & Mining Representative

MINING ENGINEER  
Title

Signature

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**THIS DOCUMENT**  
**IS**  
**"CONFIDENTIAL"**

INCOMING DATE- \_\_\_\_\_

OUTGOING DATE- 9/14/2007

FROM: Susan White

TO: R L C C - McCowan Jackson Roken

SUBJECT: Extension of Agreement time  
(Confidential)

2007-070004 (outgoing)

*Expired  
05/08*